

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ARTHUR GLENN ANDERSON, #107331)

)

Plaintiff,

)

Vs.

)

CIVIL ACTION NO.2:06-CV-439-WKW

GWENDOLYN MOSLEY, et.al.,

)

Defendants.

)

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Brian Mitchell, who being known to me and being by me first duly sworn, deposes and says under oath as follows:

My name is Brian Mitchell and I am presently employed as a Psychological Associate II, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Drive, Clio, AL 36017. I am over twenty-one (21) years of age.

On January 17, 2006, I attended the progress review of inmate Arthur G. Anderson, #107331B in my capacity as Psychological Associate II on the Classification Committee. Mr. Tyrone Barrow, Classification Specialist read the progress review (Exb.A) with his and my recommendations. I recommended an Intensive Substance Abuse Program (ISAP), which is an 8-week program. This recommendation was based on an Alabama Board of Pardons and Paroles' Report of Investigation (Exb.B), dated August 28, 2003. In the Details of Offense Section of the report there is an indication of drug usage.



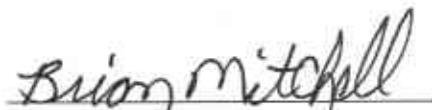
Affidavit-Brian Mitchell
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Easterling Correctional Facility does not have an 8-week SAP and inmate Anderson was informed that he would be considered for a transfer to a facility with an 8-week SAP when his AA/NA attendance was more consistent (Exb.C).

I have no control over the Parole Board and for inmate Anderson being turned down.

Inmate Anderson is not being blackmailed to attend AA/NA. He was recommended to take this program.

I have not violated any constitutional right or any due process rights of inmate Anderson.



Brian Mitchell

SWORN TO AND SUBSCRIBED TO before me this the 31st day of

May, 2006.

Linda E. Seal
NOTARY PUBLIC

My Commission Expires: 7-15-07

ALABAMA DEPARTMENT OF CORRECTIONS - PROGRESS REVIEW FORM - JANUARY 12, 2006
 (COU122)
 AIS #: 00107331B SSN: 420-70-6547 RACE/SEX: W/M DATE OF BIRTH: 11/19/1951
 NAME: ANDERSON, ARTHUR CUSTODY: MED2 SECURITY LEVEL: 4
 INST: EASTERLING CORRECTIONAL CENT TIME SRVD: 03Y03M10 LAST DISC: 06 09 2005
 CRIME: THEFT BY DECEPTION I MIN REL DT: 09/20/2007 ACTIVE DET: 0

DISC: FIGHTING WITHOUT A WEAPON PRL CONS: 10/01/2006 EDUCAT LEV: 17

WL/PGM: INST. ASSIGN-3 PRIM OCCUP:LABORER - GENERAL

RECOMMENDED INSTITUTION: EASTERLING RECOMMENDED CUSTODY: MEDIUM

JUSTIFICATION: ANNUAL REVIEW. Multiple Escapee serving a 15 year term for Theft by deception I (purchased a truck with an insufficient check), Property Theft & CPFL II (rental car & payroll check per intake--PSI unavailable but requested most recently on 01/11/06 from Parole Board). Extensive criminal record to include 07/31/72/Escape, 04/10/73/Escape, 11/3/80/Escape w/out force from REHF, recaptured same day. No detainers or sex convictions noted. Has SAP needs per inst Psych Assoc., but has no consistent AA/NA attendance. Recommend no changes in custody based on ESC criteria

I CERTIFY ENEMY LIST WAS REVIEWED AND UPDATED: NKE, COETS(OK) 1/17/06 APP. S/L:

Classification Specialist 1/17/06 DATE

Bruce Mitchell 1/17/06 PSYCHOLOGIST/PSYCHOLOGIST'S ASSOC. DATE

Warden or Designee 1/17/06 DATE

J. Alvin Green 1/24/06 CLASSIFICATION COORDINATOR DATE

CENTRAL REVIEW BOARD ACTION

APPROVED DENIED; DIVERTED TO: REASONS:

CRB MEMBER DATE

APPROVED DENIED; DIVERTED TO: REASONS:

CRB MEMBER DATE

APPROVED DENIED; DIVERTED TO: REASONS:

CRB MEMBER DATE

FINAL DECISION: INST No Change CUSTODY DATE 1/17/06 AIST 107331

DATE INMATE INFORMED: 1/17/06 INMATE'S SIGNATURE: Arthur Anderson
 LAST ACTION: YOSPR REL. Pentecostal DNA: 0100B SKILLS: Motel Maintenance
@KTF

No-Diabetic
NoPsychMeds

Crush Leg from Kneedown

xx, Per Psych, Assoc to Warden will look@ for 8wk SAP
then AA/NA attendance is inconsistent (Inmate)

ALABAMA BOARD OF PARDONS AND PAROLE

LES

Easterling

REPORT OF INVESTIGATION

Type of Investigation: Legal Facts

Date Dictated: 08-27-03

Name: Arthur Anderson

True Name: Arthur Glenn Anderson

Alias:

R/S/A: WM 51 DOB: 11-19-51 Height: 6'2" Weight: 190

Complexion: Medium Color of Hair: Brown Color of Eyes: Blue

Bodily Marks:

Driver's License #: AL 6646295 SSN #: 420-70-6547

AIS #: 107,331 FBI #: 388133H SID #: AL-00354545

Address: 4601 Broyles Avenue, Apt. 8 Phone #: (256)723-4786 (newphew)

Huntsville, AL

County: Marshall Case #: CC-2001-119

Offense(s): Theft by Deception I

Sentence: 15 years

Date of Sentence: 06-23-03 Date Sentence Began: 06-23-03

Date of Arrest: 03-09-01 Date of Bond: 03-30-01 Bond Amt. \$ 1,500.00

Judge: Hon. Tim Jolley D.A.: Hon. Steve Marshall

Attorney: Hon. Dale Fuller Retained: Appointed: X

Court Ordered Restitution: \$1,750.00

Barred from Parole: YES NO X

Copies sent to Central Records: AR-28-03
(Date)

NOTES: Anderson was indicted by the April 2001 Marshall County Grand Jury in the above case. On 06-23-03 he pled guilty in the case and received a 15-year sentence as a Habitual Offender.

ENTERED TERMINALS

RE: ARTHUR ANDERSONLEGA_ FACTS INVESTIGATIONPRESENT OFFENSE(S)County, Court & Case Number:

Marshall County Circuit Court CC-2001-119

Offense:

Theft by Deception I

Sentence:

15 years

Date of Sentence:

06-23-03

Details of Offense:

Evidence would have shown the following. On 12-15-00, Robert Paul Martin of R Mart Car Lot in Grant, Alabama, reported to the Marshall County Sheriff's Office, that Arthur Glenn Anderson gave him check #129, dated 12-06-00, in the amount of \$2,551.00 and made out to R Mart and signed Arthur Anderson. Robert Martin told Deputy Matt Evans that he had tried unsuccessfully on several occasions to reach Arthur Anderson or Mary Anderson in regards to this check that was not sufficient.

Marshall County Investigator Wayne Baker was assigned to the case. The investigation determined that the account on Arthur Glenn Anderson or Mary Anderson, 351 Johnson Avenue, New Hope, Alabama 35760, telephone number 723-4766, was overdrawn in the amount of \$749.00 on 12-04-00. Baker attempted to contact Anderson but was informed by his landlord that he had been evicted for failing to pay his rent. He later talked to Anderson's dad who informed him that Anderson was on drugs and had been going downhill for the past few months. After looking at the bank records, Baker determined that Arthur Glenn Anderson knew for sure that the money was not in the bank and his attempt to attain a truck was by deception. After a thorough investigation he was arrested for Theft by Deception and posted bond. He was subsequently indicted as shown and has pled guilty as shown.

Serious Physical Injury Barring Parole:

None

Subject's Statement:

I have never talked to Anderson about this, however, he did admit his guilt in Court.

Case Status of Co-Defendants:

None

RE: ARTHUR ANDERSONLEGAL FACTS INVESTIGATIONVictim Notification Information:

Not applicable.

Victim Impact:

The victim in this case is Robert Paul Martin, white/male, DOB: 05-08-65, 186 1ST Avenue West, Grant, Alabama, telephone number (256)728-2791. Martin would like to recover his loss in this case.

Location of Offense:

This offense occurred in a rural section of Marshall County, Alabama.

Court Ordered Restitution:

\$1,750.00

RECORD OF ARREST(S)Prior Arrest Record:

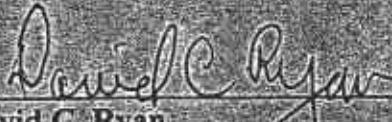
05-13-71	Madison Co Cir Ct	Grand Larceny	1 year & 1 day 09-22-71.
07-31-71	Alabama Department of Corrections	Escape	1 year & 1 day 07-31-72.
11-03-78	Madison Co Cir Ct CC-78-735FW	Grand Larceny of Auto/ BRCS	Pled guilty 02-05-79, 2 years each case, concurrent
11-03-78	Madison Co Cir Ct CC-78-765FW	Burglary/Grand Larceny	Pled guilty 02-26-79, 6 years each case, concurrent
11-17-78	Madison Co Cir Ct CC-78-798FW	Burglary/Grand Larceny/ BRCS	Pled guilty 02-05-79, 2 years each case, concurrent
06-08-79	Madison Co Cir Ct CC-79-445FW	Maiming Himself	Disposition unknown.
01-29-88	Madison Co Cir Ct CC-88-43	Burglary III	Pled guilty 04-18-88, 15 years
01-29-88	Madison Co Cir Ct CC-88-45	Theft by Deception	Nolle Prossed by State 04-18-88

RE: ARTHUR ANDERSONLEGAL FACTS INVESTIGATION

07-20-96	Blount Co Tr Ct TR-96-2265	Speeding	Pled guilty 06-12-98; \$123 F & C.
07-09-97	Chilton Co Dist Ct DC-97-1035	NWNI	Pled guilty 07-14-97; \$542.76 F & C (not paid).
07-09-97	Chilton Co Dist Ct DC-97-1036	NWNI	Pled guilty 07-14-97; 90 days suspended 14 days to serve/2 years probation; \$603.30.
07-09-97	Chilton Co Dist Ct DC-97-1037	NWNI	Pled guilty 07-14-97; 90 days suspended 14 days to serve/2 years probation, \$537.72.
07-09-97	Chilton Co Tr Ct TR-97-1038	NWNI	Pled guilty 07-14-97; \$537 F & C.
05-03-99	Montgomery Dist Ct DC-99-2171	Fishing w/o License in Possession	PENDING
03-06-00	Montgomery Cir Ct CC-00-345	Failure to Register Motor Vehicle	Pled guilty 05-23-00, 15 years
04-16-00	Montgomery Cir Ct CC-00-667	Possession of Forged Instrument II (2 Counts)	Pled guilty 05-23-00, 15 years each count, concurrent
04-16-00	Montgomery Cir Ct CC-00-667	Theft of Property II	Dismissed 05-23-00.

Subsequent Arrest Record:

None

Signed and dated at Guntersville, Alabama this the 28th day of August 2003.


David C. Ryan
Alabama Probation and Parole Officer

DCR/lrm

**ALABAMA BOARD OF CORRECTIONS
DIVISION OF PROFESSIONAL SERVICES
INMATE INTERVIEW RECORD**

Anderson, Arthur			10731	W	M	11/19/95
NAME: Last	First	Middle	Serial No	Race	Sex	DOB: M/D/Y

USE OF FORM: Each interview summary should contain the following material as appropriate: topics discussed; recommendations made by counselor; decisions made by inmate; progress noted or other observations of counselor. All inmates must be advised during the initial interview of the nature and extent of confidentiality in the counseling relationship. Each entry must be dated and signed by the counselor.

NOTE: NO PART OF THIS RECORD IS TO BE DUPLICATED OR EXTRACTED, EITHER IN FACT OR IN SUBSTANCE, WITHOUT THE WRITTEN AUTHORIZATION OF THE INMATE NAMED ABOVE.

DATE OF ENTRY	SUMMARY OF INTERVIEW	SIGNATURE OF COUNSELOR
1-17-06	APR/NC Escape Criteria. Will consider	
	Transfer than 8wk if attendance is consistent.	
	Hawley & Byrd Assoc. Mitchell.	HBauer